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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,661	03/11/2005	Takeshi Ito	MTS-3492US	5213
23122	7590	02/02/2009		
RATNERPRESTIA			EXAMINER	
P.O. BOX 980			BRINICH, STEPHEN M	
VALLEY FORGE, PA 19482				
			ART UNIT	PAPER NUMBER
			2625	
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			02/02/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,661

Applicant(s)

ITO ET AL.

Examiner

STEPHEN M. BRINICH

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 35-46 is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments (11/12/08 Response: page 12, lines 2-25) with respect to the rejection of claims 9, 11, 16-23, 27, & 29-34 under 35 USC §112, the rejection of claims 9-10 & 25-29 under 35 USC §102, the rejection of claims 11 & 16-23, & 30-34 under 35 USC §103 have been fully considered and are persuasive. The rejection of claim 11 & 16-23 under 35 USC §112, the rejection of claims 11 & 16-23 under 35 USC §103, and the objection to claims 12-15 & 24 have been withdrawn. The rejection of claims 9, 27, & 29-34 under 35 USC §112, the rejection of claims 9-10 & 25-29 under 35 USC §102, and the rejection of claims 30-34 under 35 USC §103 have been obviated by their cancellation.

However, upon further consideration, a new ground(s) of rejection is made in view of 35 USC §112.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 12-15 and claim 12, lines 15-19, the recitation of an intensity that is "small" on the periphery of the color region and "large" in the central portion of said region is unclear as to which values of intensity fall within the metes and bounds of the claim.

In claim 11, lines 16-17, the phrase "information, other than pixel information, included in said pixel signal" is unclear as to how information that is "included in said pixel signal" can be other than "pixel information".

Allowable Subject Matter

4. Claims 24 & 35-46 are allowed.
5. Claims 11-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter:

As noted above, Applicant's arguments (11/12/08 Response: page 12, lines 2-25) with respect to the rejection of claims 9, 11, 16-23, 27, & 29-34 under 35 USC §112, the rejection of claims 9-10 & 25-29 under 35 USC §102, the rejection of claims

11 & 16-23, & 30-34 under 35 USC §103 have been fully considered and are persuasive.

Re newly presented claim 35, the art of record does not teach or suggest the recited arrangement of three-dimensional lookup table interpolation and color correspondence in conjunction with the recited arrangement for converting a pixel signal.

Re newly presented claim 36 (and dependent claims 37-46), the art of record does not teach or suggest the recited target color selection arrangement, correction intensity determination in accordance with a chromaticity component, and correction degree determination in accordance with photographic information identification in conjunction with the recited arrangement for converting a pixel signal.

Conclusion

7. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application, entry of papers into this application, or other any inquiries of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-

272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300.

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

/Stephen M Brinich/

Examiner, Art Unit 2625